

REMARKS/ARGUMENTS**1.) Claim Status**

Claims 1-19 are pending and have not been amended. The pending claims are listed above for the Examiner's convenience.

2.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 5, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by Gundersen European Patent Application No. EP 0781058 (hereinafter called Gundersen). The Applicant respectfully traverses this rejection and requests a reconsideration of the pending claims.

The invention of claim 5 is a system for supporting message transport and segmentation in a communications network. Claim 5 states:

5. A system supporting message transport and segmentation in a communications network having a plurality of nodes, comprising:

a first node having a memory including a database for storing a plurality of segmentation support capability test results, wherein the first node is adapted to send a segmented message and a segmentation support test message, and to receive a segmentation support response message; and

a second node in electronic communication with the first node, wherein the second node is adapted to receive the segmented message and the segmentation support test message, and to send the segmentation support response message.

Thus, the system of claim 5 comprises a first node having a *memory* including a database for storing a plurality of *segmentation support capability test results*.

Gundersen is described as being a system (Intelligent Network (IN)) for supporting test messages. The IN network of Gundersen comprises Service Switching Points (SSPs), Service Control Points (SCPs), Service Data Points (SDPs) and a simulator for substituting a node (SCP, SDP or SSP) during test in the IN network. Gundersen generates Transaction Capable Application Protocol (TCAP) messages for testing software modules of SSPs, SCPs and SDPs in the Intelligent network. In Gundersen, a converted TCAP message is transmitted to a telecommunications software module being tested. An interpreter verifies the proper execution of the

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software module. If the software module does not process a proper execution, an error message is generated by the interpreter and recorded in a log file. *Thus, in Gundersen, whenever a new software module needs to be installed on a live SCP/SDP, the new module must go through tremendously arduous functional test procedures to verify and guarantee that such a module will perform correctly (p. 4, lines 35-40).*

However, Gundersen does not disclose a memory including a database. As a consequence, Gundersen does not describe a system having a memory for storing a plurality of *segmentation support capability test results*. In Gundersen, error message resulting from a detection of a false execution of a software module are stored in a log file. It can be appreciated that Gundersen merely disclosed a test for installing a new software module. Gundersen does not appear to store "segmentation support capability test results."

To sustain a 102 rejection, ALL elements of the claim must be taught by the cited art. As the Federal Circuit held:

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art. . . . In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987) (Emphasis Added)

Thus, a 102 rejection is not appropriate in this situation because all the elements of claim 5 are simply not taught by Gunderson. Assuming, for the sake of argument that all the elements are somehow implied, Gunderson would still not be a proper reference because Gunderson is not an enabling reference (i.e., it does not provide enough detail about the missing elements to enable one skilled in the art to practice the claimed invention.

Since Gundersen does not describe all of the elements of the claimed invention, Gundersen cannot possibly anticipate the presently claimed invention. Consequently, Applicant kindly requests withdrawal of the rejection.

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Claims 6 and 8 depend from claim 5 and recite further limitations in combination with the novel elements of claim 8. Therefore, the allowance of claims 6 and 8 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, 4, 9-11, 14 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,737,517 (hereinafter called Kite) in view of European Patent Application No. EP 0781058 (hereinafter called Gundersen). The Applicant respectfully traverses this rejection and requests a reconsideration of the pending claims.

Claim 1 states:

1. A node supporting message transport and segmentation in a communications network having a plurality of nodes, comprising:
a memory including a database for storing a plurality of segmentation support capability test results, wherein the memory further includes a program module adapted to send a first segmented message, a first segmentation support test message, and a first segmentation support response message, and to receive a second segmented message, a second segmentation support test message, and a second segmentation support response message.

In contrast, Kite appears to be a system and method for testing a new software module external to an Intelligent Network (IN) within which the software module is to be installed. For doing so, Kite utilizes a TCAP simulator and a non-telecommunication link. The IN network of Kite comprises SCPs, SDPs and SSPs. A new software module can be installed in a SCP and/or a SDP and/or a SSP. In Kite, whenever a TCAP message is generated and transmitted over a Local Area Network (LAN), the messages are logged into a log file for future reference. Afterwards, Kite verifies the proper execution of the new software module.

However, Kite does not teach a memory including a database. As a consequence, Kite does not describe a system having a memory for storing a plurality of *segmentation support capability test results*. Kite is merely a system and method for testing an IN network and more particularly for installing a new software module in an IN network. As discussed above, Gunderson also does not supply the missing elements. ← aspf

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Thus, the combination of Gunderson and Kite still do not teach all of the elements of the claimed invention.

The invention of independent claim 1 is a node claim, which comprises similar limitations as disclosed in claim 5. Furthermore, independent claim 9 is a method claim, which comprises similar limitations as described in claim 5. Since Gunderson and Kite do not teach all of the elements of the claimed invention, the combination of Gunderson and Kite cannot possibly render obvious the presently claimed invention. Thus, the Applicant respectfully request that the 103 rejection be withdrawn.

Claims 2, 4, 10, 11, 14 and 16 depend from claims 1 and 9 and recite further limitations in combination with the novel elements of claims 1 and 9. Therefore, the allowance of claims 2, 4, 10, 11, 14, and 16 is also respectfully requested.

The Examiner also rejected claims 3, 7 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,737,517 (hereinafter called Kite) and/or European Patent Application No. EP 0781058 (hereinafter called Gunderson) in view of U.S. Patent No. 5,898,667 (hereinafter called Longfield).

Since Gunderson and Kite do not describe all of the elements of the claimed invention and Longfield does not supply the missing elements, the combination of Gunderson, Kite and Longfield cannot possibly render obvious the presently claimed invention. Therefore, Applicant submits that claims 3, 7 and 15, which depend directly or ultimately from claims 1, 5 and 9 are non obvious and thus patentable for the same reasons provided in support of claims 1, 5 and 9. Applicant kindly requests withdrawal of the rejection.

The Examiner rejected claims 12-13 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,737,517 (hereinafter called Kite) and/or European Patent Application No. EP 0781058 (hereinafter called Gunderson) in view of Routing and Congestion Control In Common Channel Signaling System, IEEE 1992 (hereinafter called Jabbari). The Applicant respectfully traverses this rejection and requests that the Examiner reconsider the claims in light of the following remarks:

As described above, Gunderson and Kite do not describe all of the elements of the claimed invention and Jabbari does not make up for the missing elements, thus the combination of Gunderson, Kite and Jabbari cannot possibly render obvious the

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presently claimed invention. Therefore, Applicant submits that claims 12-13 and 17-19, which depend directly or ultimately from claims 1, 5 and 9 are non obvious and thus patentable for the same reasons provided in support of claims 1, 5 and 9. Applicant kindly requests withdrawal of the rejection.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview with the Examiner if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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